

Serial No. 10/053,739  
Docket No. 01USFP710-K.N.  
KUD.052

### **REMARKS**

An excess claim fee payment letter is submitted herewith for two (2) excess total claims.

Claims 1-9, 12-14, 16-19, 21, 22, and 24-26 are presently pending in this application. Claims 1, 3, 4, 6, 16, 18, 21, and 22 have been amended to more particularly define the invention. Claim 23 has been canceled in the interest of expediting prosecution. Claims 24-26 have been added to assure Applicants' the degree of protection to which their invention entitles them.

In the final rejection, claims 1-9, 12-14, 16-19, and 21-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fan, U.S. Patent No. 5,926,168, in view of Hashimoto, U.S. Patent No. 5,554,980. This rejection is respectfully traversed.

In exemplary embodiments the claimed invention is directed to a computer system and method in which a pointing device includes a position indicating button which is actuable to emit a beam of light and to output a position indication allowing signal. The position on a display screen at which that beam of light contacts the screen is detected, and a cursor is moved to and fixed at the detected position in response to the position indication allowing signal. Thus, the present invention achieves movement and fixing of the cursor in response to actuation of the position indicating button. Only the single action of actuating the position indicating button is required to achieve such movement and fixing.

In another exemplary embodiment, the claimed invention is directed to a pointing device for use with a computer system which includes a display screen. The pointing device includes a body member having a position indicator thereon. The position indicator is

Serial No. 10/053,739  
Docket No. 01USFP710-K.N.  
KUD.052

actuatable to cause the pointing device to point to a position on the display screen, permitting the computer system to move a cursor to the pointed position and fix the cursor at the pointed position. The cursor is movable and fixable only by actuation of the position indicator.

In contrast, as recognized by the Examiner in the Advisory Action, in Hashimoto's remote control system, through detection of angular motion of remote control unit 1 and actuation of selection switch 9, instructions are issued and operation effected. As pointed out in the Advisory Action, Hashimoto requires both actions, as shown by the use of the word "and" in the expression "there is realized a remote control system in which, through angular motion ... and the use of the selection switch..." (Emphasis added.) Thus, Hashimoto requires two actions -- angular motion of the remote control unit 1 and actuation of the selection switch.

Claims 1-9, 12-14, 16-19, 21, and 22 bring out that only the single action of actuating the position indicating button is required in order to move and fix the cursor. Thus, these claims distinguish over Fan and Hashimoto and are allowable.

Claims 24-26 bring out that the cursor is movable and fixable only by actuation of the position indicator. Claims 24-26 also distinguish over Fan and Hashimoto and are allowable.

In view of the foregoing, Applicant submits that claims 1-9, 12-14, 16-19, 21, 22, and 24-26, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance.

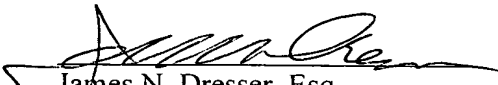
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal

Serial No. 10/053,739  
Docket No. 01USFP710-K.N.  
KUD.052

interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Attorney's Deposit Account No. 50-0481 and please credit any excess fees to such deposit account.

Respectfully Submitted,

Date: December 21, 2004   
James N. Dresser, Esq.  
Registration No. 22,973

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**